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**The City of New York
Community Board 8 Manhattan
Landmarks Committee
Monday, January 13, 2020 – 6:30PM
Marymount Manhattan College, Regina Peruggi Room
221 East 71st Street (between 2nd and 3rd Avenues)**

Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee chair to the Community Board. At the monthly full board meeting, the resolutions are discussed and voted upon by all members of Community Board 8 Manhattan.

PLEASE NOTE: When evaluating Applications for Certificates of Appropriateness, the Landmarks Committee of Community Board 8M ONLY considers the appropriateness of the proposal to the architecture of the building and, in the case of a building within an Historic District, the appropriateness of the proposal to the character of that Historic District. All testimony should be related to such appropriateness. The Committee recommends a Resolution to the full Community Board, which votes on a Resolution to be sent to the Landmarks Preservation Commission. These Resolutions are advisory; the decision of the Landmarks Preservation Commission is binding.

Applicants and members of the public who are interested in the issues addressed are invited, but not required, to attend the **Full Board meeting on Wednesday, January 22, 2020, at the New York Blood Center, Auditorium (310 East 67th Street) at 6:30PM**. They may testify for up to three minutes in the Public Session, which they must sign up for no later than 6:45PM. Members of the Board will discuss the items in executive session; if a member of the public wishes a comment made or a question asked at this time, he or she must ask a Board Member to do it.

Minutes

1. 1109 Fifth Avenue (between Fifth Avenue and Madison Avenue) – Expanded Carnegie Hill Historic District- *Walter B. Melvin Architects – Chateausque style Individual Landmark originally designed by Charles Pierrepont H. Gilbert between 1906 and 1908 with an additional building built by Roche of Dinkeloo and Associates between 1988 and 1993. Application for an exterior art installation of artist Lawrence Weiner scheduled for March 2020 that will last approximately four months.*

Resolution to Disapprove -- No Position

WHEREAS the Jewish Museum seeks to temporarily cover the Fifth Avenue and 92nd Street facades with a graphic artwork with a message of “peace and tolerance;”

WHEREAS the art installation will remain in place for four months;

WHEREAS the installation will be by the renowned artist, Lawrence Weiner;

WHEREAS the message will be in three languages: Arabic, English, and Hebrew;

WHEREAS the message will state in all caps: “ALL THE STARS IN THE SKY HAVE THE SAME FACE”;

WHEREAS the installation will be made up of two banners, one on the Fifth Avenue façade and one on the 92nd Street façade;

WHEREAS the banners will align, covering the second and third floors of the museum building;

WHEREAS each banner will be 100’-0” long by 29’-0” tall;

WHEREAS the banners will be set between the first-floor band molding and the third-floor band molding;

WHEREAS the banners will be set out from the building, three inches beyond the sculptural projections of the limestone facades;

WHEREAS the art installation will not be illuminated;

WHEREAS the fabric for the banners will have a 25% perforation to accommodate windy conditions;

WHEREAS each banner will be suspended from continuous steel cables supported by 12 brackets on each façade, six brackets for the top for each banner and six brackets for the bottom of each banner, with the corner bracket in common, for a total of 22 brackets;

WHEREAS the brackets will be installed into flat areas of limestone;

WHEREAS the facades of the original Mansion were built of solid wall construction;

WHEREAS the façade of the Addition to the north on Fifth Avenue was built of cavity wall construction;

WHEREAS the thickness of the limestone is about four inches on both the original building and the addition;

WHEREAS the brackets will be attached to the limestone in the solid wall construction with ½” diameter steel anchors and into the cavity wall with ¾” diameter steel anchors;

WHEREAS ½” or ¾” diameter holes will be drilled for the anchors respectively;

WHEREAS the holes will be six inches deep in the solid wall of the original building and 3 1/2” deep in the limestone of the cavity wall of the northern bay of the Fifth Avenue façade;

WHEREAS there will be 48 anchors in the addition and 110 anchors in the original building for a total of 158 holes drilled for the anchors;

WHEREAS the holes will be repaired after the removal of the installation by filling with mortar to match the color and texture of the limestone;

WHEREAS the applicant stated that a limestone panel on the addition would be replaced if there were too many holes -- a representation that is not on the construction drawings;

WHEREAS the message in the art installation is timely, the penetrations of the limestone are excessive and the preservation of the facade must take precedence over the banners;

THEREFORE, BE IT RESOLVED that this application is disapproved.

VOTE: 3 in favor (Ashby, Birnbaum, Parshall); 2 opposed (Cohn, Helpen); 2 abstained (Camp, Tamayo)

One public member in favor: (Selway)

NO POSITION

Please Note: Following the January Landmarks Committee meeting, a representative for the Jewish Museum (1109 Fifth Avenue) asked for this application to be withdrawn and moved to the February Landmarks agenda to be reconsidered with the committee’s suggestions. That meeting will take place on February 10th, 2020 at Marymount Manhattan College in the Regina Peruggi Room at 6:30p.m.

2. 3 East 89th Street (between 5th Avenue and Madison Avenue) — Expanded Carnegie Hill Historic District. *Jim Herr, Rafael Viñoly Architects; Slater and Beckman, Land Use Attorney; Higgins Quaesbarth, Historic Preservation Consultant.* Application is for restoration of north, south, east and west elevations **AND** for roof-top, rear-yard and side-yard additions and a modification of use pursuant to an application for a Section 74-711 special permit.

[Section 74-711 of the Zoning Resolution allows the City Planning Commission, by special permit, to modify use and bulk regulations in order to further the preservation of designated landmarked buildings or buildings located within historic districts. An application for a 74-711 permit shall include a report from the Landmarks Preservation Commission stating that the project entails a major restoration component going forward and that the owner agrees to a cyclical building maintenance component going forward.]

THIS APPLICATION IS DIVIDED INTO 3 PARTS

PART A: The required Section 74-711 Restoration and Maintenance Plan.

PART B: The introduction of a new awning at the ground floor of the front elevation and the replacement of the second egress door.

PART C: The proposed application for a Certificate of Appropriateness at the Landmarks Preservation Commission. This includes 1) rear and side yard enlargements 2) rooftop additions 3) the introduction of a new awning/canopy at the front entrance. [For 3), **PLEASE REFER BACK TO PART B ABOVE**]

The City Planning Commission application for a modification of the zoning to allow for a commercial art gallery and for height and rear yard waivers will come back to the Land Use Committee of Community Board 8 as a separate item after possible Certificate of Appropriateness approval at the Landmarks Commission.

DESCRIPTION OF PROPERTY

WHEREAS 3 East 89th Street is a 14,000 SF neo-Renaissance style house commissioned by Archer M. Huntington, designed by Ogden Codman, Jr., and constructed between 1913 and 1915.

WHEREAS 3 East 89th Street was built as a new wing for the existing mansion at 1083 Fifth Avenue and also designed by Ogden Codman, Jr. [1083 Fifth Avenue was purchased by Mr. Huntington in 1902 who, in 1914, commissioned Mr. Codman to redesign the original mansion PLUS add the wing at 3 East 89th Street.]

WHEREAS Mr. Huntington, the stepson of the railroad “Big Four” tycoon, Collis P. Huntington, was the founder of the Hispanic Society and Research Library on Audubon Terrace.

WHEREAS in 1941, Mr. Huntington donated the house along with 1083 Fifth Avenue to the National Academy of Design; 3 East 89th Street became part of a 3-building campus which included 5-7 East 89th Street in addition to 1083 Fifth Avenue.

WHEREAS in 1942 and in 1955 enlargements were made to the house; the original historic doors were replaced as part of the 1942 enlargement.

WHEREAS in 1942 a fire stair was added at the east elevation and in 1955 a rear a side yard addition was added extending to the lot line. *[For the original house, the first two floors extended to the width of the house; the two floors above were set back at the east elevation; in 1942, the 5 story fire stair was added to the east elevation using up part of the set back; in 1955, a one story side addition was added at the east elevation and a one story addition was added at the rear yard — this combined addition presents as L-shaped.*

WHEREAS in 2019, the National Academy of Design, as part of a de-accessioning program for the 3 buildings, sold 3 East 89th Street to Jeanne Greenberg Rohatyn, the owner of Salon 94, to serve as the commercial art gallery’s headquarters and exhibition space.

WHEREAS the applicant is requesting a special permit for a zoning waiver, pursuant to Zoning Resolution Section 74-711 to allow for a commercial art gallery; height and rear yard waivers and a cyclical maintenance program.

WHEREAS a zoning waiver is required because 3 East 89th Street is situated on 2 adjacent zoning districts, R8B and R10. [To clarify, the site is just over 40' wide; about 23' is zoned R10 — part of the Fifth Avenue zoning with no rear yard requirement and about 17' is in an R8B district — with a 30' rear yard requirement and a height limit of 75'.]

WHEREAS since the site is under 45' wide, a variance from the “Sliver Law” would also be required; this requested variance would also be included as part of the Section 74-711 special permit.

WHEREAS the applicant’s intention is to base all restoration work at 3 East 89th Street on the house as it looked when it was gifted to the National Academy of Design in 1941, not on the original historic design [normally required for 74-711 waivers].

WHEREAS the existing front elevation for 3 East 89th Street presents as 4 stories topped by a balustraded parapet — the height increases to 80' 11 1/2” when the parapet is included.

WHEREAS behind the parapet is an existing 300 SF “partial floor” (“FIFTH FLOOR”) and 2 bulkheads — a stair bulkhead and an elevator bulkhead; most of this existing “5th floor” is uncovered roof.

WHEREAS at the front elevation, significant features include, at the first floor, a rusticated limestone base; at the second floor, a balcony with a wrought-iron railing and round-arched openings with multi-pane windows and the balustraded parapet atop the cornice.

PART A: The required Section 74-711 Restoration and Maintenance Plan

Whereas at the front or south elevation, the applicant proposes a complete restoration including a) a comprehensive cleaning and patching of limestone, brick and granite b) restoration of the historic Porte Cochere Committee configuration c) removal of non-historic windows to be replaced with historically accurate windows d) restoration of missing cast-iron detailing at the balcony.

WHEREAS at the front or south elevation at the 4th floor the applicant proposes to re-open and restore the now-bricked-in historic window openings and to remove the brick infill at the 4th floor balustrade; the applicant also proposes to restore the door at the center bay.

WHEREAS the applicant proposes a complete restoration of the west elevation and. partial restoration of the east elevation, including repairing all deteriorated masonry, stucco and windows. [See below with reference to the infill at the east elevation.]

WHEREAS the west elevation, with blind arches and multi-panes windows, is visible from the public way because of a 10' service alley between 3 East 89th Street and the apartment building on the corner.

WHEREAS the applicant has made a commitment to a comprehensive maintenance program going forward to sustain the integrity of the building.

THEREFORE BE IT RESOLVED THAT PART A of this application be **approved** as presented.

VOTE: 8 in favor (Ashby, Birnbaum, Camp, Cohn, Helpen, Parshall, Tamayo)

One public member in favor: Kimberly Selway

PART B: The three openings and the introduction of a new awning at the ground level at the front elevation

WHEREAS at the front elevation at the entrance, the application proposes to return the existing institutional entrance doors to the historic wooden configuration.

WHEREAS the applicant proposes that the second egress door to the west of the main entrance (east door) now relate to the existing window between the two doors so that there would now be 2 different systems of openings: the wood main door, the window with the grating removed and the new egress door that relates to the existing window.

WHEREAS the applicant is proposing a 2” thick bronze cantelivered awning that would project 4’ 11” from the face of the building; there would be a very discrete sign in a bronze finish to the right of the entrance door with a small dowlight above.

WHEREAS the window and doors present as in harmony at the street level.

WHEREAS the thin metal awning presents as modern and does not relate to the rest of the historic front elevation, but is a minimal intrusion within the historic district.

THEREFORE BE IT RESOLVED THAT Part B of this application is **approved** as presented.

VOTE: 7 in favor (Ashby, Birnbaum, Camp, Cohn, Helpern, Parshall, Tamayo)

One public member in favor: Kimberley Selway

PART C: Rear and side yard enlargements and rooftop additions

WHEREAS the applicant proposes to extend the first two floors of the house to the rear lot line; the existing 13,870 SF of floor area will now increase to 19,910 SF.

WHEREAS at the rear elevation, at the rear yard, there now exists a one-story extension to the rear lot line that presents as L-shaped since the extension wraps around to the east elevation (added in 1955) — the applicant proposes infill or a 10' invasion into the rear yard for the 2nd and 3rd floors only with a two story glass studio box to be placed above the 3rd floor at the 4th and 5th floors.

WHEREAS the proposed infill at the 5th floor and the new 6th floor will increase the height of 3 East 89th Street from 78' 5 1/2" at the top of the existing mansard roof to 89' 5 1/2" to the top of the proposed new 6th floor, not including the two proposed bulkheads.

WHEREAS at the rear at 1083 Fifth Avenue, there is a distinctive "drum"-shaped structure clad in brick; the "drum" is now highly visible over the low-in-scale adjacent annex to the Church of the Heavenly Rest;

WHEREAS the applicant proposes that the view of the silhouette of the "drum" will now be visible since the applicant is lowering the infill by two stories. **HOWEVER**, the only floors that match between the two houses, both designed Ogden Codman at the same time, is at the 2nd floor of each; this is also the floor where the "drum" has 3 identical tall windows; the rear addition at the second floor at 3 East 89th Street is only a few feet distant and 10' deep to the rear lot line and will block the east facing window — the main light source for the "drum".

WHEREAS the applicant proposes glass at the angled front elevation at the 5th floor.

WHEREAS angled glass of the front elevation of the new 5th floor matches exactly the slope of the existing mansard roof.

WHEREAS behind the mansard roof, glass will be inserted at the east and west elevations; the glass will be inserted into the slot in front of the fire stair on the east elevation and in a symmetrical location on the west elevation.

WHEREAS the applicant proposes a new glass studio 23' wide x 8'3" deep x 25' high at the 4th and 5th floor at the rear elevation.

WHEREAS the proposed glass studio will be set back from the north parapet wall by 18".

WHEREAS at the existing north elevation, three existing windows will be infilled to provide for the elevator shaft, including the large paned opening at the 2nd floor that matches exactly the large paned opening on the 2nd floor of the "drum" at 1083 Fifth Avenue.

WHEREAS at the third floor at the east-facing side yard the mechanicals will be slotted into the set back north of the fire stair. [There will be infill at the 2nd floor and infill at the 4th floor; the existing first floor at the east elevation dates from the 1955 expansion and is part of the "L" that wraps around into the rear yard and extends to the rear lot line.]

WHEREAS the mechanical equipment is being inserted at the 3rd floor take advantage of a pre-existing light and air easement carried over from 5-9 East 89th Street with the purchase of 3 East 89th Street.

WHEREAS at the east elevation at the new masonry and stucco 5th and 6th floors, 4 new punched openings will be added - 2 on each floor; both the 4th and 5th floors step back from the existing parapet.

WHEREAS at the west elevation, the new 5th and 6th floors present as 18” from the face of the existing facade.

WHEREAS at the roof, the applicant is proposing to augment/fill-in the partial “5th floor”, the infill will measure 36’ 10” wide x 44’ 1” deep to the existing bulkheads x 12’ high; the existing bulkheads will be removed and the 5th floor will be extended.

WHEREAS the existing partial 5th floor will now present as an infilled full floor to be clad in limestone, with an angled glass front elevation.

WHEREAS the proposed new 6th floor will be set back 35’ from the front property line at an angle from the front elevation and will measure 36’8” wide x 54’1” deep x 10’6” high.

WHEREAS at the 6th floor roof, there will be a HVAC bulkhead and a stair bulkhead.

WHEREAS the proposed enlargements at the roof, at the rear and at the east-facing side present a substantial expansion of the building; two full floors are being added to the top of a 4-story building — a 1/3 increase in the height — adding 22’ of increased height.

WHEREAS the rooftop and rear yard enlargements are highly visible from both East 89th Street and Fifth Avenue

WHEREAS the rooftop, rear yard, and side yard enlargements impinge on the requirement that a 74-711 project have no more than a minimal impact in terms of both scale and light and air;

WHEREAS if the rooftop, rear yard and side yard enlargements were to proceed as proposed, the applicant would receive a gift of free FAR or a public subsidy of a private enterprise with no compensating public benefit; all enlargements made after 1941 were made either by the National Academy of Design, or the National Academy School which resulted in benefits to the public.

WHEREAS the 10’ space at the rear yard must be maintained to honor 1083 Fifth Avenue’s “drum” and its east-facing rotunda window and to provide breathing room for the neighboring buildings.

WHEREAS both the rooftop addition and the intrusion into the rear yard are inappropriate and out-of-context within the historic district.

THEREFORE BE IT RESOLVED THAT Part C of this application be **disapproved** as presented.

VOTE: 6 in favor (Ashby, Birnbaum, Camp, Helpern, Parshall, Tamayo); 1 against (Cohn)

One public member in favor: Kimberly Selway

David Helpern and Jane Parshall, Co-Chairs